

## **REMARKS**

### **Amendments to the Claims**

Claims 18-34 are pending and under current examination. Applicants have amended claims 18-21, and 23. The amendments to independent claim 18 include certain features originally recited in claims 19-21. No new matter has been introduced.

### **Final Office Action**

Applicants respectfully traverse the rejections in the Final Office Action, wherein the

Examiner:

(a) rejected claims 18, 33, and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,173,185 B1 ("Bernardin"); and

(b) rejected claims 19-32 under 35 U.S.C. § 103(a) as being unpatentable over Bernardin in view of U.S. Patent No. 6,047,238 ("Olofsson").

### **Rejection of Claims 18, 33, and 34 under 35 U.S.C. § 102(b)**

Applicants request reconsideration and withdrawal of the rejection of claims 18, 33, and 34 under 35 U.S.C. § 102(b) as being anticipated by Bernardin. In order to establish anticipation under 35 U.S.C. § 102, the Final Office Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in Bernardin. See M.P.E.P. § 2131. Bernardin, however, does not disclose each and every element of Applicants' claims.

Specifically, Bernardin does not disclose or suggest at least the following features recited in independent claim 18:

wherein computing each quantity for the respective target second area comprises:

forming a mixed resolution environment profile describing the environment between said radio base station and said target second area along said radioelectric signal propagation path,

wherein forming the mixed resolution environment profile comprises:

identifying obstacles encountered by said radioelectric signal within at least some first areas along the propagation path from said radio base station to said target second area; and

consolidating identified obstacles which are spaced apart one from another at a distance lower than a given distance.

The Final Office Action admits that Bernardin does not disclose “wherein computing each quantity for the respective target second area comprises: forming a mixed resolution environment profile describing the environment between said radio base station and said target second area along said radioelectric signal propagation path,” as recited in claim 18. *See* Final Office Action, pp. 6-7. In addition, Bernardin does not disclose “wherein forming the mixed resolution environment profile comprises: identifying obstacles . . . ; and consolidating identified obstacles . . . ,” as recited in claim 18. The Final Office Action only relies on secondary reference Olofsson for its alleged disclosure of features recited in claim 18. *See* Final Office Action, p. 8. Indeed, Bernardin does not disclose these features.

Thus, Bernardin fails to disclose each and every element recited in independent claim 18. Accordingly, claim 18 is not anticipated by Bernardin, and should be allowable. In addition, dependent claims 33 and 34 should also be allowable at least by virtue of their dependence from base claim 18, and because they recite additional features not disclosed by Bernardin. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

**Rejection of Claims 19-32 under 35 U.S.C. § 103(a)**

Applicants request reconsideration and withdrawal of the rejection of claims 19-32 under 35 U.S.C. § 103(a) as being unpatentable over Bernardin in view of Olofsson. The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is

the requirement for establishing a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In particular, the Final Office Action has not properly determined the scope and content of the prior art. Specifically, Bernardin and Olofsson do not teach or suggest what the Final Office Action attributes to them. In addition, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because it has not properly interpreted the prior art and considered both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

As discussed in the previous section, Bernardin does not teach or suggest at least the above-quoted features of independent claim 18. The Final Office Action relies on Olofsson to allegedly cure the deficiencies of Bernardin. Specifically, the Final Office Action alleged that Olofsson teaches the “consolidating” feature, asserting that Olofsson’s Fig. 4 “discloses translated and transformed path profiles.” Final Office Action, p. 8. This is incorrect. Olofsson’s Figs. 3-4 merely teach translating a building 101 into an obstruction 113 (*see* Olofsson, Fig. 3, col. 3, lines 44-47), and transforming the building 101 into an equivalent obstacle 111 (*see* Olofsson, Fig. 4, col. 3, lines 60-61). However, neither translating a single building nor transforming a single building constitutes “consolidating identified obstacles which are spaced apart one from another at a distance lower than a given distance,” as recited in claim 18 (emphases added).

Therefore, Olofsson does not cure the deficiencies of Bernardin. Bernardin and Olofsson, whether taken alone or in combination, fail to disclose or suggest each and every

element recited in independent claim 18. Accordingly, independent claim 18 is nonobvious over the cited references, and should be allowable. In addition, dependent claims 19-32 should be allowable at least by virtue of their dependence from base claim 18, and because they recite additional features not taught or suggested by Bernardin and Olofsson. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

**Conclusion**

Pending claims 18-34 are not anticipated or rendered obvious by the cited references. Applicants therefore respectfully request reconsideration of this application and the timely allowance of the pending claims.

The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

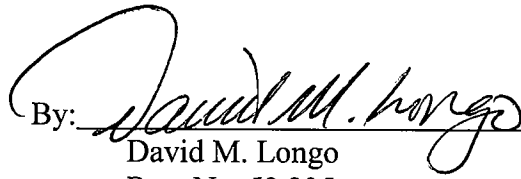
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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